

Antelope Valley
Air Quality Management District



Draft
Staff Report

Proposed Amendment of
Rule 219 – *Equipment Not Requiring a Permit*

For adoption on
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STAFF REPORT
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STAFF REPORT

Rule 219 – *Equipment Not Requiring a Permit*

I. PURPOSE OF STAFF REPORT

A staff report serves several discrete purposes. Its primary purpose is to provide a summary and background material to the members of the Governing Board. This allows the members of the Governing Board to be fully informed before making any required decision. It also provides the documentation necessary for the Governing Board to make any findings, which are required by law to be made prior to the approval or adoption of a document. In addition, a staff report ensures that the correct procedures and proper documentation for approval or adoption of a document have been performed. Finally, the staff report provides evidence for defense against legal challenges regarding the propriety of the approval or adoption of the document.

II. EXECUTIVE SUMMARY

Previously, all agricultural activities were exempted from air district permitting by State law (former Health & Safety (H&S) Code §42310). The federal government required the State of California to regulate, through permitting, many previously exempt agricultural activities. California responded by adopting SB 700 in 2003 (H&S Code §40724-40724.7) which contains provisions requiring air districts to adopt rules in part to regulate pollution from larger agricultural sources in the same manner as non-agricultural sources with similar equipment. The proposed amendments to Rule 219 – *Equipment Not Requiring a Permit* will implement portions of the provisions of SB 700 by requiring all agricultural sources that meet certain thresholds of animals or regulated pollutants to obtain permits in the same manner as other regulated sources. This rule action is a part of the entire implementation of SB 700 which also includes the adoption of rules to cover the following activities at a later date: *Fugitive Dust Control for Off-field Agricultural Sources; Fugitive Dust Control for On-field Agricultural Sources; Internal Combustion Engines in Agricultural Operations; and Combined Animal Facilities.*

III. STAFF RECOMMENDATION

Staff recommends that the Governing Board of the Antelope Valley Air Quality Management District adopt the proposed amendments to Rule 219 – *Equipment Not Requiring a Permit* and approve the appropriate CEQA documentation. This action is necessary to implement the provisions of Senate Bill 700 of 2003 (H&S Code §§40724-40724.7).

IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for the procedurally correct amendment of Rule 219 – *Equipment Not Requiring a Permit*. Each item is discussed, if applicable, in Section V below. Copies of documents are included in the appropriate Appendix.

FINDINGS REQUIRED FOR RULES & REGULATIONS

- X Necessity
- X Authority
- X Clarity
- X Consistency

- X Non-duplication
- X Reference
- X Public Notice & Comment
- X Public Hearing

REQUIREMENTS FOR STATE IMPLEMENTATION PLAN SUBMISSION (SIP):

- X Public Notice & Comment
- X Availability of Document

- X Notice to Specified Entities (State, Air Districts, USEPA, Other States)
- X Public Hearing

- X Legal Authority to adopt and implement the document.

- X Applicable State laws and regulations were followed.

ELEMENTS OF A FEDERAL SUBMISSION

- N/A Elements as set forth in applicable Federal law or regulations.

CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS (CEQA):

- N/A Ministerial Action
- X Exemption
- N/A Negative Declaration
- N/A Environmental Impact Report
- X Appropriate findings, if necessary.
- X Public Notice & Comment

SUPPLEMENTAL ENVIRONMENTAL ANALYSIS (RULES & REGULATIONS ONLY):

- X Environmental impacts of compliance.

- N/A Mitigation of impacts.

- N/A Alternative methods of compliance.

OTHER:

- N/A Written analysis of existing air pollution control requirements

- X Economic Analysis

- X Public Review

V. DISCUSSION OF LEGAL REQUIREMENTS

A. REQUIRED ELEMENTS/FINDINGS

This section discusses the State of California statutory requirements that apply to the proposed amendment of Rule 219. These are actions, that need to be performed, and/or information, that must be provided in order to amend the rule in a procedurally correct manner.

1. State Findings Required for Adoption of Rules & Regulations:

Before adopting, amending, or repealing a rule or regulation, the Antelope Valley Air Quality Management District (AVAQMD or District) Governing Board is required to make findings of necessity, authority, clarity, consistency, non-duplication, and reference based upon relevant information presented at the hearing. The information below is provided to assist the Board in making these findings.

a. Necessity:

The proposed amendment of Rule 219 is necessary to implement the provisions of Senate Bill 700 of 2003 (H&S Code §§40724-40724.7).

b. Authority:

AVAQMD has the authority pursuant to H&S Code §40702 to adopt, amend or repeal rules and regulations.

c. Clarity:

The proposed amendments of Rule 219 are clear in that they are written so that the persons subject to the rule can easily understand the meaning.

d. Consistency:

The proposed amendment to Rule 219 is in harmony with, and not in conflict with or contradictory to any state law or regulation, federal law or regulation, or court decisions. They do not interfere with any federal applicable requirement concerning attainment or Reasonable Further Progress (RFP) pursuant to the Federal Clean Air Act (FCAA).

e. Non-duplication:

The proposed amendment of Rule 219 does not impose the same requirements as an existing state or federal law or regulation because state law requires the adoption and implementation of these provisions.

f. Reference:

AVAQMD has the authority pursuant to H&S Code §40702 to adopt, amend or repeal rules and regulations.

g. Public Notice & Comment, Public Hearing:

Notice for the public hearing for the proposed amendment of Rule 219 will be published 09/15/2010. See Appendix “B” for a copy of the public notice. See Appendix C for copies of comments, if any, and AVAQMD responses.

2. Federal Elements (SIP Submittals, Other Federal Submittals).

Submittals to the United States Environmental Protection Agency (USEPA) are required to include various elements depending upon the type of document submitted and the underlying federal law which requires the submittal. The information below indicates which elements are required for the proposed amendment of Rule 219 and how they were satisfied.

a. Satisfaction of Underlying Federal Requirements:

The amendment of Rule 219 is subject to all the requirements for a SIP submittal because Rule 219 is included in the AVAQMD SIP. The criteria for determining completeness of SIP submissions are set forth in 40 CFR Part 51, Appendix V, 2.0. In addition, FCAA §110(l) (42 U.S.C. 7410(l)) requires that any rule action which might possibly be construed as a relaxation of a requirement provide a demonstration that the change not interfere with any FCAA requirements concerning attainment or RFP. Please see section (VI)(E) below for the applicable demonstration.

b. Public Notice and Comment:

Notice for the public hearing for the proposed amendment of Rule 219 will be published 09/15/2010. See Appendix “B” for a copy of the public notice.

c. Availability of Document:

Copies of the proposed amendments of Rule 219 and the accompanying draft staff report will be made available to the public on or before 09/15/2010.

d. Notice to Specified Entities

Copies of the proposed amendments to Rule 219 and the accompanying draft staff report were mailed to all affected agencies, including but not limited to the California Air Resources Board (CARB) and USEPA on 09/09/10.

e. Public Hearing:

A public hearing to consider the proposed amendment of Rule 219 has been set for 10/19/2010.

f. Legal Authority to Adopt and Implement:

The AVAQMD has the authority pursuant to H&S Code §40702 to adopt, amend, or repeal rules and regulations and to do such acts as may be necessary or proper to execute the duties imposed upon the AVAQMD.

g. Applicable State Laws and Regulations Were Followed:

Public notice and hearing procedures pursuant to H&S Code §§40725-40728 have been followed. See Section (V)(A)(1) above for compliance with state findings required pursuant to H&S Code §40727. See Section (V)(B) below for compliance with the required analysis of existing requirements pursuant to H&S Code §40727.2. See Section (V)(C) for compliance with economic analysis requirements pursuant to H&S Code §40920.6. See Section (V)(D) below for compliance with provisions of the California Environmental Quality Act (CEQA).

B. WRITTEN ANALYSIS OF EXISTING REQUIREMENTS

H&S Code §40727.2 requires air districts to prepare a written analysis of all existing federal air pollution control requirements that apply to the same equipment or source type as the rule proposed for modification by the district.

The existing FCAA requires districts to adopt local programs for issuing operating permits to major stationary sources of air pollutants. The existing act defines a stationary source as any building, structure, facility, or installation that emits or may emit any air pollutant. The FCAA (42 U.S.C. Sec. 7401 et seq.) prohibits the state from adopting emission standards or limitations less stringent than those established under the federal act, including limitations on emissions from agricultural sources. California responded by adopting SB 700 in 2003. The California Legislature provisions requires air districts to adopt rules, in part, to regulate pollution from larger agricultural sources in the same manner as other non-agricultural sources with similar equipment. The proposed amendments to Rule 219 – *Equipment Not Requiring a Permit* will implement portions of the provisions of SB 700 by requiring all agricultural sources that meet certain thresholds of animals or regulated pollutants to obtain permits for emitting equipment in the same manner and to the same extent as other regulated sources.

C. ECONOMIC ANALYSIS

1. General

As an administrative rule being amended in support of the entire implementation of SB 700, the proposed amendments to Rule 219 is not expected to have an adverse economic

impact. Certain equipment at large agricultural sources will be required to obtain and maintain permits. The economic impact of this rule on any particular facility will be determined by the number and type of equipment subject to permit and the attendant permit fees under Rule 301. The proposed amendments to Rule 219 will not in and of itself require additional equipment or expenditures other than that required to obtain the permit. The economic impact will therefore be identical to that contemplated by the legislature's adoption of SB 700 itself.

The economic impacts for the remaining rules included in the implementation of SB 700 will be evaluated independently in the specific staff reports for the following activities: *Fugitive Dust Control for Off-field Agricultural Sources*; *Fugitive Dust Control for On-field Agricultural Sources*; *Internal Combustion Engines in Agricultural Operations*; and *Combined Animal Facilities*.

2. Incremental Cost Effectiveness

Pursuant to H&S Code §40920.6, incremental cost effectiveness calculations are required for rules and regulations which are adopted or amended to meet the California Clean Air Act requirements for Best Available Retrofit Control Technology (BARCT) or "all feasible measures" to control volatile compounds, oxides of nitrogen or oxides of sulfur. This requirement does not apply to the proposed amendments to Rule 219 (an administrative rule) since it does not require BARCT or "all feasible measures."

D. ENVIRONMENTAL ANALYSIS (CEQA)

Through the process described below, it was determined that a Notice of Exemption would be the appropriate CEQA process for the proposed amendment of Rule 219.

1. The proposed amendment of Rule 219 meet the CEQA definition of "project." They are not "ministerial" actions.
2. The proposed amendments to Rule 219 are exempt from CEQA review because they will not create any adverse impacts on the environment. The proposed amendments to Rule 219 – *Equipment Not Requiring a Permit* will implement portions of the provisions of SB 700 by requiring all agricultural sources that meet certain thresholds of animals or regulated pollutants to obtain permits like other regulated sources. The entire implementation of SB 700 as made possible by the amendment of Rule 219 to require permits from larger agricultural sources will allow the reduction of air emissions from agricultural sources by providing an inspection and enforcement mechanism for the other proposed rules.

Former H&S Code §42310(e) exempted "any equipment used in agricultural operations in the growing of crops or the raising of fowl or animals" from the obligation to obtain a permit. After USEPA found that the agricultural exemption in §42310(e) conflicted with the FCAA permitting requirements, 67 FR 35990 (05/22/02); 68 FR 37746 (06/23/03), the California Legislature passed Senate Bill 700 ("SB 700") which took effect 01/01/04, and removed the agricultural exemption from H&S Code §42310(e).

In the AVAQMD Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-Attainment Area) adopted 05/20/2008, the District accounted for 0.13 tons per ozone seasonal day from farming operations. Even with completely uncontrolled agricultural sources, the District was able to show attainment. Now, the District is proposing to actively regulate agricultural facilities that emit over 50 tons per year of any regulated air pollutant other than NO_x or VOC (over 12.5 tons per year), any single HAP (over 5 tons per year), any combined HAP (over 12.5 tons per year), or one-half the amount of any such lesser quantity of a single HAP that USEPA should establish by rule. Any control of this source category is more than what was previously controlled. Because there is not potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies. Copies of the documents relating to CEQA can be found in Appendix “D”.

E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

1. Potential Environmental Impacts

The proposed amendments to Rule 219 – *Equipment Not Requiring a Permit* will implement portions of the provisions of SB 700 by requiring all agricultural sources that meet certain thresholds of animals or regulated pollutants to obtain permits like other regulated sources. The entire implementation of SB 700 as allowed by the amendment of Rule 219 will reduce air emissions from agricultural sources (rules will subsequently be adopted for the following activities: *Fugitive Dust Control for Off-field Agricultural Sources*; *Fugitive Dust Control for On-field Agricultural Sources*; *Internal Combustion Engines in Agricultural Operations*; and *Combined Animal Facilities*). Pursuant to former H&S Code §42310(e), the District did not permit agricultural sources. In the AVAQMD Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-Attainment Area) adopted June 9, 2008, the District accounted for 0.13 tons per ozone seasonal day from farming operations. Even with completely uncontrolled agricultural sources, the District was able to show attainment. Now, the District is proposing to actively regulate agricultural facilities that emit over 50 tons per year of any regulated air pollutant other than NO_x or VOC (over 12.5 tons per year), any single HAP (over 5 tons per year), any combined HAP (over 12.5 tons per year), or one-half the amount of any such lesser quantity of a single HAP that USEPA should establish by rule. Any control of this source category is more than what was previously controlled.

2. Mitigation of Impacts

N/A

3. Alternative Methods of Compliance

N/A

F. PUBLIC REVIEW

See Staff Report Section (V)(A)(1)(g) and (2)(b), as well as Appendix B.

VI. TECHNICAL DISCUSSION

A. SOURCE DESCRIPTION

Rule 219 – *Equipment Not Requiring a Permit* describes equipment that does not require a permit pursuant to District Rules 201 and 203; and describes equipment which does not need to be listed on a Federal Operating Permit (FOP) issued pursuant to Regulation XXX. The proposed amendments to Rule 219 adds thresholds criteria for exclusion from both state and federal operating permits for agricultural facilities as determined by a threshold number of animals and/or emissions.

B. EMISSIONS

As an administrative action, this rule amendment would not have any direct impact on the issuance of air contaminants

C. CONTROL REQUIREMENTS

The proposed amendments to Rule 219 does not change control requirements. They do not impose any new or additional requirements other than codifying state law by implementing the provisions of SB 700.

D. PROPOSED RULE SUMMARY

This section gives a brief overview of the proposed amendments to Rule 219.

Changes have been made throughout rule for consistency. Capitalization provided as needed for defined terms. Cross references have been updated to reflect correct citations. Rule references removed as applicable by preface to definition section. Numbering and units have been standardized.

Section (B)(2) has been clarified by changing the term “upon” to “within.”

Section (B)(3) has been added to specify which agricultural facilities shall or shall not require a permit.

Section (B)(3)(b) has been clarified to properly reference (D)(2).

Section (B)(4)(a)(iii) has been added to provide the option to require a permit or registration for sources of toxic air contaminants.

Section (C) has been prefaced by a reference to definitions contained in Rules 1301 and 3001.

Section (C)(1) definition of an Agricultural Facility has been added.

Section (C)(2) definition of an Agricultural Operation has been added.

Section (C)(3) definition of a Confined Animal Facility has been added.

Section (D) has been reformatted to incorporate additional requirements.

Section (D)(2) has been added to specify the threshold criteria for agricultural facilities. Subsection (a) specifies the number of animals at a combined animal facility required for exclusion. Subsection (b) specifies the specific emissions from an agricultural facility required for exclusion.

Section (F)(1) has had a recordkeeping retention requirement of five years added.

E. 110(l) Analysis

The version of Rule 219 shown in the AVAQMD SIP is the South Coast Air Quality Management District (SCAQMD) Rule 219 – *Equipment Not Requiring a Written Permit Pursuant to Regulation II* as amended 09/04/81 (47 FR 29231, 07/06/82). The 07/21/98 AVAQMD version of Rule 219 has been approved by USEPA action as part of the District's Title V program (69 FR 2511, 01/19/2004). Thus, the 07/21/98 version is fully federally enforceable. Therefore, the District will perform the 110(l) determination based upon differences between the 07/21/98 version and the current proposed amendments.

Rule 219 was amended subsequent to the 07/21/98 version on 01/16/01 and again on 11/15/05. The 01/16/01 amendment reduced the emissions threshold for Title V permitting and made administrative changes to the heated and unheated cleaner/degreaser sections and non-chain driven direct fired charbroilers. There were also formatting and consistency changes which were not substantive. This amendment was a strengthening of the rule rather than a relaxation and no 110(l) determination was necessary.

The 11/15/05 amendment exempted asbestos removal equipment (High Efficiency Particulate Air filtration (HEPA) equipment and negative air machines) to conform to the permit fee rule. Asbestos removal equipment is typically only used for the duration of a project and not for continuous operations throughout the year and is moved off-site, often outside the AVAQMD, at the completion of the project. Because much of the equipment is specialized for a particular project and may not return to the AVAQMD in subsequent years, charging a fee based upon project size and type rather than permitting each piece of equipment used was more logical for both the AVAQMD and the equipment operator. This amendment was a change in a method of permitting rather than a relaxation and no 110(l) determination was necessary.

Former H&S Code §42310(e) exempted "any equipment used in agricultural operations in the growing of crops or the raising of fowl or animals" from the obligation to obtain a permit. The AVAQMD has not previously permitted or regulated agricultural sources pursuant to this H&S Code exemption. Agriculture was accounted for in the inventory in the unregulated state. Even without using agricultural reductions from uncontrolled agricultural sources, the District was able to show attainment and RFP.

After USEPA found that the agricultural equipment exemption in §42310(e) conflicted with the FCAA permitting requirements, 67 FR 35990 (05/22/02); 68 FR 37746 (06/23/03), the California Legislature passed Senate Bill 700 (“SB 700”) which took effect 01/01/04, and removed the agricultural exemption from H&S Code §42310(e). Agriculture was still accounted for in the inventory in the unregulated state. Again, without using agricultural reductions from uncontrolled agricultural sources, the District was able to show attainment and RFP¹.

Now, the District is proposing to actively regulate agricultural facilities that emit over 50 tons per year of any regulated air pollutant other than NO_x or VOC (over 12.5 tons per year), any single HAP (over 5 tons per year), any combined HAP (over 12.5 tons per year), or one-half the amount of any such lesser quantity of a single HAP that USEPA should establish by rule. The AVAQMD is proposing to adopt rules to cover the following activities at a later date: *Fugitive Dust Control for Off-field Agricultural Sources*; *Fugitive Dust Control for On-field Agricultural Sources*; *Internal Combustion Engines in Agricultural Operations*; and *Combined Animal Facilities*.

Implementation of the proposed rules will establish RACT for existing agricultural sources subject to the thresholds established by SB 700, will impose RACT on certain equipment at large agricultural sources equivalent to RACT on the same or similar equipment at non-agricultural sources, and require BACT for certain new sources subject to New Source Review. These rules including proposed Rule 219 will result in emissions reductions. Once again, please note that the District will not need to use reductions to show attainment or RFP. Rule 219 provides exemptions for thresholds that are still not regulated under state law. Any control of this source category is greater than what was previously controlled.

F. SIP HISTORY

1. SIP History.

Prior to 1975 the original air district for the Antelope Valley region was the Los Angeles County APCD that had jurisdiction covering the entire county of Los Angeles. In 1975, the Southern California Air Pollution Control District (So. Cal. APCD) was created by a Joint Powers Agreement (JPA) between Los Angeles, Orange, Riverside and San Bernardino Counties to replace the previous countywide air pollution control districts for those counties. Rule 219 was originally adopted on 01/09/76 by the So. Cal. APCD and thereafter amended on 10/08/76. On 02/01/77, pursuant to statute (Cal. Stats. 1976, Ch 324 p. 815), the South Coast Air Quality Management District (SCAQMD) was created with an initial jurisdiction that only included areas of Los Angeles, Orange, Riverside and San Bernardino Counties contained within the South Coast Air Basin (SCAB). Outlying areas remained under the So. Cal. APCD (The legislation was thereafter amended to allow non-SCAB areas to “opt in”. Los Angeles County exercised this option and thus the Antelope Valley became a part of SCAQMD). Also on 02/01/77 the California Air Resources Board (CARB) issued Executive Order G-73

¹ See: AVAQMD 2004 Ozone Attainment Plan (State & Federal) as adopted 04/20/2004; Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-Attainment Area) as adopted 05/20/2008.

(1977) which adopted a “rule book” for those non-SCAB areas of Los Angeles, Riverside and San Bernardino Counties. CARB submitted the G-73 rulebook on behalf of the “county” districts and these rule books included Rule 219.

By its terms Executive Order G-73 (1977) was only effective until the non-SCAB areas took other action. On 02/22/77 the JPA forming the So. Cal. APCD was formally dissolved. By the terms of the JPA upon dissolution each county would regain its county air pollution control district with a jurisdiction of the non-SCAB areas of the county and the applicable rules being the So. Cal. APCD’s rules in effect upon the date of dissolution. Thus, as of 02/22/77 the version of Rule 219 for the SCAQMD reverted from the G-73 (1977) CARB version back to the original So. Cal. APCD 09/03/76 version. This rule book was the initial starting point for the SCAQMD rules applicable to the Antelope Valley. Between 1976 and 1997 Rule 219 was amended numerous times by SCAQMD. Specifically it was amended on 01/02/79, 10/05/79, 09/04/81, 06/08/88, 09/11/92, 08/12/94 and 12/13/96.

On 07/01/97 the Antelope Valley Air Pollution Control District (AVAPCD) replaced the SCAQMD as the agency with jurisdiction over the Los Angeles County portion of the Mojave Desert Air Basin (MDAB). Pursuant to the statutory change, the rules and regulations of the predecessor district were retained until the Governing Board adopted, amended or rescinded them. At its first meeting the AVAPCD reaffirmed all the existing rules and regulations thus the version in effect at the time of the change was the 12/13/96 version. The AVAPCD subsequently amended Rule 219 on 03/17/98, 07/21/98 and 01/16/01.

On 01/01/02 the AVAPCD was replaced by the AVAQMD. Once again, pursuant to statute, the rules in effect were retained until the Governing Board adopted, amended, or rescinded. Similarly, at the first meeting of the AVAQMD, the Governing Boards reaffirmed all the rules and regulations in effect at the time the agency changed. Therefore the version of Rule 219 in the AVAQMD rulebook was the 01/16/01 version. The AVAQMD amended Rule 219 on 11/15/05, and this is the current version in the rule book.

The jurisdiction of the AVAPCD and the AVAQMD were specified in the statutes as the portion of the Los Angeles County contained within the MDAB. The MDAB was formerly known as the Southeast Desert Air Basin (SEDAB). In 1997 the SEDAB was split into the MDAB and the Salton Sea Air Basin. Descriptions of these air basins can be found in 17 Cal. Code Regs. §§60109 and 60144. Since USEPA adopts SIP revisions in California as effective within jurisdictional boundaries of local air districts, when the local air district boundaries change the SIP as approved by USEPA for that area up to the date of the change remains as the SIP in that particular area. Thus, upon creation of the AVAPCD on 07/01/97 the AVAPCD acquired the SIP applicable to the Antelope Valley portion of the SCAQMD that was effective as of 06/30/97. Likewise the AVAQMD acquired the SIP that was effective in the jurisdiction of the AVAPCD as of 12/31/00. Therefore, the SIP history for this region is based upon the rules adopted, effective, and approved for the Antelope Valley by SCAQMD.

Rule 219 was originally adopted on 01/09/76 by the So. Cal. APCD. The rule was submitted and approved into the SIP on 11/09/78 43 FR 52237 (40 CFR 52.220(c)(31)(vi)(C)). The 09/04/81 SCAQMD amendment was also approved into the SIP on 07/06/82 47 FR 29231, and this is the version that currently shows as the SIP approved version for the AVAQMD.

As mentioned previously SCAQMD amended Rule 219 on numerous occasions and a variety of them were submitted for inclusion into the SIP for SCAQMD including the Antelope Valley area. The last amendment prior to the creation of the AVAPCD occurred on 12/13/96 and the AVAQMD assumes no action has been taken on that version relative to the Antelope Valley area. The AVAPCD and the AVAQMD thereafter amended Rule 219 on 03/17/98, 07/21/98, 01/16/01 and 11/15/05. The 07/21/98 version was submitted in conjunction with the Title V Program and approved at 01/19/04 69 FR 2511. Thus, the 07/21/98 version is fully federally enforceable. However, the current SIP version in effect for the Antelope Valley recognized by USEPA is the 09/04/81 version.

2. SIP Analysis.

The District will request CARB to submit the proposed amendments to Rule 219 to replace the current SIP version in effect. This submission is necessary to implement the provisions of Senate Bill 700 of 2003 (H&S Code §§40724-40724.7).

Since there is a previously existing SIP rule for this category the District will request that it be superseded. In order to replace existing SIP rules the District is required to show that the proposed amendments are not less stringent than the provisions currently in the SIP.

The proposed amendments to Rule 219 – *Equipment Not Requiring a Permit* will implement portions of the provisions of SB 700 by requiring all agricultural sources that meet certain thresholds of animals or regulated pollutants to obtain permits like other regulated sources. The entire implementation of SB 700 as allowed by the amendment of Rule 219 will reduce air emissions from agricultural sources. Pursuant to former H&S Code §42310(e), the District did not permit agricultural sources. Providing a new exemption in the SIP, regardless of H&S requirements, is not a “back-off” pursuant to FCAA 110(l). (See §(VI)(E) for §110(l) analysis). Therefore, any control of this source is more than what was previously controlled and should be considered more stringent than current SIP requirements.

APPENDIX "A"
Rule 219 – *Equipment Not Requiring a Permit*
Iterated Version

The iterated version is provided so that the changes to an existing rule may be easily found. The manner of differentiating text is as follows:

1. **Shaded text** identifies new or revised language.
2. ~~—Lined out~~ text identifies language which is being deleted.
3. Normal text identifies the current language of the current rule which will remain unchanged by the adoption of the proposed amendments.
4. *Italicized text* identifies explanatory material that is not part of the proposed language.

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(Adopted: 01/09/76; Amended: 10/08/76; Amended: 01/02/79;
Amended: 10/05/79; Amended: 09/04/81; Amended: 06/08/88;
Amended: 09/11/92; Amended: 08/12/94; Amended: 12/13/96;
Amended: 03/17/98; Amended: 07/21/98; Amended: 01/16/01;
Amended: 11/15/05; Amended: mm/dd/yy)

RULE 219

Equipment Not Requiring a Permit

(A) Purpose

- (1) The purpose of this ~~Rule~~rule is:
 - (a) To describe equipment that does not require a permit pursuant to Regulation II; and
 - (b) To describe equipment which does not need to be listed on an application for a Federal Operating Permit (FOP) or on ~~a~~ FOP issued pursuant to Regulation XXX.

(B) General Provisions

- (1) The Air Pollution Control Officer (APCO) shall not require an owner/operator to obtain a permit for particular equipment pursuant to Regulation II if:
 - (a) Such equipment is described in the list of particular equipment in section (~~DE~~) below; and
 - (b) The owner/operator has not been required to obtain a written permit or registration by the APCO pursuant to subsection (B)(~~3~~)4 below.
- (2) The APCO shall not require an owner/operator to list particular equipment on an application for ~~a~~ FOP or require the listing of such equipment ~~upon an within a~~ FOP issued pursuant to Regulation XXX if: [Clarification made pursuant to USEPA comment 9/8/10.]
 - (a) Such equipment is described in the list of particular equipment in section (~~DE~~) below; and
 - (b) Such equipment emits Air Pollutants ~~as defined in District Rule 3001(E)~~, in an amount less than the threshold levels set forth in subsection (D)(1) below; and [Removed due to cross reference to 3001 by new definitions section (C) below; and)]
 - (c) Such equipment is not subject to an Applicable Requirement, ~~as defined in District Rule 3001(G)~~, and information regarding such equipment is not required

to determine the applicability of an Applicable Requirement; and *[Removed due to cross reference to 3001 by new definitions section (C)]*

- (d) Such equipment is not included in section (~~DE~~) below solely due to size or production rate.
- (3) The APCO shall not require an owner/operator of an Agricultural Facility to obtain a permit for equipment located at such a Facility which would otherwise be subject to permit pursuant to District Rules 201 and 203 if:
- (a) The Agricultural Facility emits Air Contaminants in an amount less than the threshold levels listed in subsection (D)(2)(b); and *[Derived from H&S Code §§42301.16(c) and 40724.6(c).]*
 - (b) The Agricultural Facility is: a Confined Animal Facility eligible for exclusion under subsection (D)(2)(a) or, is otherwise eligible for exclusion under subsection (D)(2)(b); and *[Derived from H&S Code §39011.5(a)(1) and SJUAPCD Rule 4570. Clarification made pursuant to USEPA comment 9/8/10.]*
 - (c) The Agricultural Facility is not otherwise a Major Facility; and *[Derived from H&S Code §39011.5(a)(3).]*
 - (d) The particular equipment potentially exempt under this subsection is not otherwise subject to regulation pursuant to the Federal Clean Air Act ("FCAA", 42 U.S.C. Sec. 7401 et. seq.) *[Derived from H&S Code 39011.5(a)(3)]*
- (4) Notwithstanding subsections (B)(1) and (B)(2) above the APCO may require a written permit or registration for equipment listed in section (~~DE~~) below if:
- (a) The APCO determines that: *[Additional language derived from MDAQMD Rule 219]*
 - (i) ~~the~~ The equipment, process material or ~~air-contaminant~~ Air Contaminant is subject to District Regulation IX, or X, or District Rule 1401; or
 - (ii) ~~the~~ The process, article, machine, equipment, other contrivance, process material or ~~air-contaminant~~ Air Contaminant is subject to the emission limitation requirements of the state Air Toxic Control Measure (ATCM) ~~or the~~ , New Source Performance Standards (NSPS) National Emission Standards For Hazardous Air Pollutants (NESHAP);, Maximum Available Control Technology (MACT) or any source specific prohibitory rule; or
 - (iii) The process, article, machine, equipment, or other contrivance emits, in quantities determined to be appropriate for review by the APCO, substances identified as Toxic Air Contaminants or which are under

review as candidate Toxic Air Contaminants by the California Air Resources Board, or USEPA, or:

(iv) The equipment may not operate in compliance with all applicable District Rules and Regulations.

(b) Written notification is given to the equipment owner or operator.

(c) After such determination and notification the equipment shall thereafter be subject to District Rules 201 and 203.

(45) Nothing in this ~~Rule~~ rule shall be interpreted to exempt the emissions from such equipment from being considered in any emissions calculations required pursuant to Regulation XIII, Regulation XIV and/or Regulation XXX unless such emissions are specifically exempted by the terms of those Regulations.

(56) The burden of proof regarding the applicability of this ~~Rule~~ rule to particular equipment shall be upon the owner/operator of such equipment.

(C) Definitions

For the purposes of this Rule the definitions contained in Rule 1301 and 3001 shall apply unless otherwise defined herein. [Clarification added in response to MDAQMD Rule 219 amendment, USEPA comment 1-7 of 6/1/2010.]

(1) “Agricultural Facility” – Any equipment or group of equipment potentially subject to District Rules 201 and 203 used in an Agricultural Operation and which are located on contiguous property under common ownership or control [Derived from H&S Code 39011.5(a)]

(2) “Agricultural Operation” – The growing and harvesting of crops or the raising of fowl or animals for the primary purpose of making a profit, providing a livelihood, or conducting agricultural research or instruction by an educational institution. Agricultural Operations do not include activities involving the processing or distribution of crops or fowl. [Derived from AVAQMD Rule 114 –Registration Program for Compression Ignition Engines Used in Small Agricultural Operations.]

(3) “Confined Animal Facility” – A facility where animals are corralled, penned, or otherwise caused to remain in restricted areas for commercial purposes and primarily fed by a means other than grazing for at least forty-five (45) days in any twelve (12) month period. [Derived from SJVAPCD Rule 4570 – Confined Animal Facilities.]

(D) Threshold Criteria

(1) Threshold Criteria for Exclusion from Federal Operating Permit

(4a) To be eligible for exclusion from a FOP pursuant to subsection (B)(2) above, any equipment proposed to be excluded shall not emit Air Pollutants ~~as defined in District Rule 3001(E)~~ in an amount greater than:

~~(a) For a Regulated Air Pollutant as defined in District Rule [Removed due to cross reference to 3001(X) the lesser of the following two amounts: by new definitions section (C)]~~

~~(i) Ten (10) percent (40%) of the applicable threshold for determination of a Major Facility pursuant to District Rule 3001(S); or~~

~~(ii) Two (2) tons per year of any Regulated Air Pollutant whichever amount is less; or [Reorganized for clarity]~~

~~(b) For (ii) Any de minimis level for a Hazardous Air Pollutant as defined pursuant to District Rule 3001(R) the lesser of the following three amounts:~~

~~(i) Any de minimis level promulgated pursuant to 42 U.S.C. § 7412(g) (Federal Clean Air Act § 112(g)); or~~

~~(ii) Any significance level defined in 40 CFR 52.21(b)(23)(i); or~~

~~(iii) 0.5 ton per year of such Hazardous Air Pollutant, whichever is less. [Reorganized for clarity.]~~

(D2) Threshold Criteria for Agricultural Facilities

(a) To be eligible for exclusion from permitting requirements pursuant to subsection (B)(3)(b) a Confined Animal Facility must have, at all times, less than the following numbers of animals: [Derived from CCR Title 17, Division 1, Chapter 1, Subchapter 2.7, §86500(a)]

(i) 1,000 milk-producing dairy cows;

(ii) 3,500 beef cattle;

(iii) 7,500 calves, heifers or other cattle;

(iv) 650,000 chickens other than laying hens;

(v) 650,000 laying hens;

(vi) 650,000 ducks;

(vii) 100,000 turkeys;

(viii) 3,000 swine;

(ix) 2,500 horses;

(x) 15,000 sheep, lambs, or goats; or

(xi) 30,000 rabbits or other animals.

(b) To be eligible for exclusion from permitting requirements pursuant to subsection (B)(3)(a), an Agricultural Facility must emit less than any of the following:

- (i) Fifty (50) tons per year of any Regulated Air Pollutant other than those listed in subsection (ii) and (iii) below;
- (ii) For Nitrogen Oxides (NO_x) or VOC:
 - 1. 12.5 tons per year for any Agricultural Facilities located within a federal ozone nonattainment area; and
 - 2. Fifty (50) tons per year for any Agricultural Facilities located outside a federal ozone nonattainment area.
- (iii) Five (5) tons per year of any single Hazardous Air Pollutant, 12.5 tons per year of any combination of Hazardous Air Pollutants or one-half (½) the amount of any such lesser quantity of a single Hazardous Air Pollutant that USEPA should establish by rule. [Derived from H&S Code §§42301.16(c) and 40724.6(c).]

(E) Specific Equipment Not Requiring a Permit

(1) Mobile Equipment

(a) Equipment defined as follows:

- (i) ~~motor~~Motor** vehicle or vehicle as defined by the California Vehicle Code ~~§415~~; or
- (ii) ~~marine~~Marine** vessel as defined by Health and Safety Code Section 39037.1; or
- (iii) ~~a~~A** motor vehicle or a marine vessel that uses one internal combustion engine to propel the motor vehicle or marine vessel and also operate other equipment mounted on the motor vehicle or marine vessel; or
- (iv) ~~equipment~~Equipment** which is mounted on a vehicle, motor vehicle or marine vessel if such equipment does not emit ~~air contaminants~~**Air Contaminants**.

- (b)** This subsection does not apply to equipment which emits ~~air contaminants~~**Air Contaminants** and which is mounted and operated on a motor vehicle, marine vessel, mobile hazardous material treatment systems, mobile day tankers except those carrying solely fuel oil, and pavement heating machines.

(2) Combustion and Heat Transfer Equipment

- (a)** Piston type internal combustion engines with a manufacturer's rating of ~~fifty (50)~~ brake horsepower or less, or gas turbine engines with a maximum heat input rate of 2,975,000 ~~British thermal units (Btu)~~ per hour or less.
- (b)** Boilers, process heaters or any combustion equipment that has a maximum heat input rate of 2,000,000 Btu per hour (gross) or less and is equipped to be heated exclusively with, natural gas, methanol, liquefied petroleum gas or any

combination thereof that does not include piston type internal combustion engines.

- (c) Fuel cells which use phosphoric acid, molten carbonate, proton exchange membrane or solid oxide technologies.
- (d) Test cells and test stands used for testing internal combustion engines provided that the internal combustion engines use less than 3,000 liters (800 gallons) of diesel fuel or 13,000 liters (3,500 gallons) of gasoline fuel per year, or use other fuels with equivalent or less emissions.
- (e) Internal combustion engines used exclusively for training at educational institutions.
- (f) Portable internal combustion engines, including any turbines qualified as military tactical support equipment ~~under Health and Safety Code §41754,~~ registered pursuant to the California Statewide Portable Engine Registration Program.

(3) Structures and Equipment - General

- (a) Structural changes which cannot change the quality, nature or quantity of ~~air~~ contaminant Air Contaminant emissions.
- (b) Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.
- (c) Identical replacement in whole or in part of any equipment where a permit to operate had previously been granted for such equipment under District Rule 203, except seals for external or internal floating roof storage tanks.
- (d) Replacement of floating roof tank seals provided that the replacement seal is of a type and model which the APCO has determined is capable of complying with the requirements of District Rule 463.
- (e) Equipment utilized exclusively in connection with any structure which is designed for and used exclusively as a dwelling for not more than four families, and where such equipment is used by the owner or occupant of such a dwelling.
- (f) Laboratory testing equipment, and quality control testing equipment used exclusively for chemical and physical analysis, and non-production bench scale research equipment. Laboratory testing equipment does not include engine test stands or test cells unless such equipment is also exempt pursuant to subsection ~~(DE)~~(2)(d). [Cross reference modified to reflect renumbering.]

- (g) Vacuum-producing devices used in laboratory operations or in connection with other equipment not requiring a written permit.
 - (h) Vacuum-cleaning systems used exclusively for industrial, commercial or residential housekeeping purposes.
 - (i) Hoods, stacks or ventilators.
- (4) Utility Equipment - General
- (a) Comfort air conditioning or ventilating systems which are not designed or used to remove ~~air contaminants~~Air Contaminants generated by, or released from, specific equipment units, provided such systems are exempt pursuant to subsection (~~DE~~)(2)(b). *[Cross reference modified to reflect renumbering.]*
 - (b) Refrigeration units except those used as or in conjunction with air pollution control equipment.
 - (c) Water cooling towers and water cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers, and in which no chromium compounds are contained.
 - (d) Equipment used exclusively to generate ozone and associated ozone destruction equipment for the treatment of cooling tower water or for water treatment processes.
 - (e) Equipment used exclusively for steam cleaning provided such equipment is also exempt pursuant to subsection (~~DE~~)(2)(b). *[Cross reference modified to reflect renumbering.]*
 - (f) Equipment used exclusively for space heating provided such equipment is exempt pursuant to subsection (~~DE~~)(2)(b). *[Cross reference modified to reflect renumbering.]*
 - (g) Equipment used exclusively to compress or hold purchased quality natural gas, except internal combustion engines not exempted pursuant to subsection (~~DE~~)(2)(a). *[Cross reference modified to reflect renumbering.]*
 - (h) Emergency ventilation systems used exclusively to scrub ammonia from refrigeration systems during process upsets or equipment breakdowns.
 - (i) Emergency ventilation systems used exclusively to contain and control emissions resulting from the failure of a compressed gas storage system.

- (j) Refrigerant recovery and/or recycling units. This exemption does not include refrigerant reclaiming facilities.
 - (k) Carbon arc lighting equipment, provided such equipment is exempt pursuant to subsection (~~DE~~)(2)(a). *[Cross reference modified to reflect renumbering.]*
- (5) Glass, Ceramic, Metallurgical Processing and Fabrication Equipment
- (a) Crucible-type or pot-type furnaces with a brimful capacity of less than 7400 cubic centimeters (452 cubic inches) of any molten metal.
 - (b) Crucible furnaces, pot furnaces or induction furnaces with a capacity of 450 kilograms (992 pounds) or less each, where no sweating or distilling is conducted, provided such equipment is exempt pursuant to subsection (~~DE~~)(2)(b), and where only the following materials are poured or held in a molten state (provided the materials do not contain alloying elements of arsenic, beryllium, cadmium, chromium and/or lead): *[Cross reference modified to reflect renumbering.]*
 - (i) Aluminum or any alloy containing over fifty (50) percent aluminum,
 - (ii) Magnesium or any alloy containing over fifty (50) percent magnesium,
 - (iii) Tin or any alloy containing over fifty (50) percent tin,
 - (iv) Zinc or any alloy containing over fifty (50) percent zinc,
 - (v) Copper, or any alloy containing over fifty (50) percent copper,
 - (vi) Precious metals, and
 - (vii) Glass.
 - (c) Molds used for the casting of metals.
 - (d) Inspection equipment used exclusively for metal, plastic, glass, or ceramic products and control equipment venting exclusively such equipment.
 - (e) Ovens used exclusively for curing potting materials or castings made with epoxy resins, provided such ovens are exempt pursuant to subsection (~~DE~~)(2)(b). *[Cross reference modified to reflect renumbering.]*
 - (f) Hand-held or automatic brazing and soldering equipment, and control equipment that exclusively vents such equipment, provided that the equipment uses one (1) quart per day or less of material containing Volatile Organic Compounds (VOC). This exemption does not include hot oil, hot air, or vapor phase solder leveling equipment and related control equipment.
 - (g) Brazing ovens where no materials containing VOC (except flux) are present, provided such ovens are exempt pursuant to subsection (~~DE~~)(2)(b). *[Cross reference modified to reflect renumbering.]*

- (h) Welding equipment or oxygen gaseous fuel-cutting equipment and control equipment venting such equipment. This exemption does not include plasma arc-cutting equipment that is used to cut stainless steel or rated thirty (30) kW or more.
- (i) Sintering equipment used exclusively for the sintering of metal (excluding lead) or glass where no coke or limestone is used, and control equipment exclusively venting such equipment, provided such equipment is exempt pursuant to subsection ~~(DE)~~(2)(b). [Cross reference modified to reflect renumbering.]
- (j) Mold forming equipment for foundry sand to which no heat is applied, and where no VOC materials are used in the process, and control equipment exclusively venting such equipment.
- (k) Forming equipment used exclusively for forging, rolling, or drawing of metals provided that any lubricants used have fifty (50-g/L) grams per liter VOC or less, or a VOC composite partial pressure of twenty (20) mm Hg or less at 20°C ~~(68°F)~~ Twenty (20) degrees Celsius (sixty-eight (68) degrees Fahrenheit), or equipment used for heating metals prior to forging, pressing, rolling or drawing, provided such heaters are exempt pursuant to subsection ~~(DE)~~(2)(b). [Cross reference modified to reflect renumbering.]
- (l) Heat treatment equipment used exclusively for heat treating glass or metals (provided no VOC materials are present), or equipment used exclusively for case hardening, carburizing, cyaniding, nitriding, carbo-nitriding, siliconizing or diffusion treating of metal objects, provided any combustion equipment involved is exempt pursuant to subsection ~~(DE)~~(2)(b). [Cross reference modified to reflect renumbering.]
- (m) Ladles used in pouring molten metals.
- (n) Tumblers used for the cleaning or de-burring of solid materials.
- (o) Die casting machines, except those used for copper base alloys, those with an integral furnace having a brimful capacity of more than 450 ~~kg~~kilograms (992 ~~lb~~pounds), or those using a furnace not exempt pursuant to subsection ~~(DE)~~(2)(b). [Cross reference modified to reflect renumbering.]
- (p) Furnaces or ovens used for the curing or drying of porcelain enameling, or vitreous enameling provided such furnaces or ovens are exempt pursuant to subsection ~~(DE)~~(2)(b). [Cross reference modified to reflect renumbering.]
- (q) Wax burnout kilns where the total internal volume is less than 0.2 cubic meter (seven (7.0) cubic feet) or kilns used exclusively for firing ceramic ware, provided such kilns are exempt pursuant to subsection ~~(DE)~~(2)(b). [Cross reference modified to reflect renumbering.]

- (r) Shell-core and shell-mold manufacturing machines.
 - (s) Furnaces used exclusively for melting titanium materials in a closed evacuated chamber where no sweating or distilling is conducted, provided such furnaces are exempt pursuant ~~to subsection (D)~~ to subsection (E)(2)(b). *[Cross reference modified to reflect renumbering.]*
 - (t) Vacuum ~~metallizing~~metalizing chambers which are electrically heated or heated with equipment that is exempt pursuant to subsection ~~(DE)~~(2)(b), and control equipment exclusively venting such equipment, provided the control equipment is equipped with a mist eliminator or the vacuum pump used with control equipment demonstrates operation with no visible emissions from the vacuum exhaust. *[Cross reference modified to reflect renumbering.]*
- (6) Abrasive Blasting Equipment
- (a) Blast cleaning cabinets in which a suspension of abrasive in water is used and control equipment exclusively venting such equipment.
 - (b) Glove-box type abrasive blast cabinet, vented to a dust-filter where the total internal volume of the blast section is 1.5 cubic meters (~~fifty-three~~ 53) cubic feet) or less, and any dust filter exclusively venting such equipment.
 - (c) Enclosed equipment used exclusively for shot blast removal of flashing from rubber and plastics at sub-zero temperatures and control equipment exclusively venting such equipment.
 - (d) Shot peening operations, provided no surface material is removed, and control equipment exclusively venting such equipment.
 - (e) Portable sand/water blaster equipment and associated piston type internal combustion engine, provided the water content in the mixture is maintained at or above ~~sixty-six~~ (66) percent by volume during operation of such equipment. Piston type internal combustion engines must be exempt pursuant to subsection ~~(DE)~~(2)(a). *[Cross reference modified to reflect renumbering.]*
- (7) Machining Equipment
- (a) Equipment used exclusively for buffing (except tire buffers), polishing, carving, mechanical cutting, drilling, machining, pressing, routing, sanding, surface grinding or turning provided that any lubricants used have ~~fifty (50-g/L)~~ grams per liter VOC or less, or a VOC composite partial pressure of ~~twenty (20) mm Hg or less at 20°C (-68°F)~~ twenty (20) degrees Celsius (~~sixty-eight (68) degrees Fahrenheit~~), and control equipment exclusively venting such equipment. This exemption does not include asphalt pavement grinders.

- (b) Equipment used exclusively for shredding of wood, or the extruding, handling, or storage of wood chips, sawdust, or wood shavings and control equipment exclusively venting such equipment. This exemption does not include piston type internal combustion engines over fifty (50 ~~bhp~~) brake horse power which are used to supply power to such equipment.
 - (c) Equipment used exclusively to mill or grind coatings or molding compounds where all materials charged are in the paste form.
- (8) Printing and Reproduction Equipment
 - (a) Printing and related coating and/or laminating equipment and associated dryers not emitting more than 1.4 ~~kg~~kilograms (three (3)) pounds) of VOC emissions per day, or not using more than twenty-three (23) liters (~~six (6)~~ gallons) per day of ~~UV~~ultraviolet, electron beam, or plastisols type, including cleanup solvent, or eight (8) liters (~~two (2)~~ gallons) per day of any other graphic arts materials provided such dryers are exempt pursuant to ~~-subsection (DE)~~(2)(b). Graphic arts materials are any inks, coatings, adhesives, fountain solutions (excluding water), thinners (excluding water), retarders, or cleaning solutions (excluding water), used in printing or related coating or laminating processes. *[Cross reference modified to reflect renumbering.]*
 - (b) Photographic process equipment by which an image is reproduced upon material sensitized by radiant energy and control equipment exclusively venting such equipment.
 - (c) Lithographic printing equipment which uses laser printing.
 - (d) Printing equipment used exclusively for training and non-production at educational institutions.
 - (e) Flexographic plate-making and associated processing equipment.
- (9) Food Processing and Preparation Equipment
 - (a) Smokehouses for preparing food in which the maximum horizontal inside cross-sectional area does not exceed two (2) square meters (21.5 square feet).
 - (b) Smokehouses exclusively using liquid smoke, and which are completely enclosed with no vents to either a control device or the atmosphere.
 - (c) Confection cookers where products are edible and intended for human consumption.

- (d) Grinding, blending or packaging equipment used exclusively for tea, cocoa, roasted coffee, flavor, fragrance extraction, dried flowers, or spices, and control equipment exclusively venting such equipment.
 - (e) Equipment used in eating establishments for the purpose of preparing food for human consumption, excluding commercial direct--fired chain-driven charbroilers (regardless of the Btu rating). Direct--fired charbroilers include but are not limited to, gas, electric, wood, or charcoal-fired.
 - (f) Equipment used to convey or process materials in bakeries or used to produce noodles, macaroni, pasta, food mixes or drink mixes where products are edible and intended for human consumption and control equipment exclusively venting such equipment. This exemption does not include storage bins located outside buildings, or equipment not exempt pursuant to subsection (~~DE~~)(2)(b). *[Cross reference modified to reflect renumbering.]*
 - (g) Cooking kettles where all the product in the kettle is edible and intended for human consumption. This exemption does not include deep frying equipment used in facilities other than eating establishments.
 - (h) Coffee roasting equipment with a maximum capacity of 4.5 ~~kg~~kilograms (ten (10) pounds) or less.
- (10) Plastics, Composite and Rubber Processing Equipment
- (a) Presses or molds used for curing, post curing or forming rubber products, composite products and plastic products where no VOC or chlorinated blowing agent is present, and control equipment exclusively venting these presses or molds.
 - (b) Ovens used exclusively for the forming of plastics or composite products, which are concurrently being vacuum held to a mold, and where no foam forming or expanding process is involved, provided such equipment is exempt pursuant to subsection (~~DE~~)(2)(b). *[Cross reference modified to reflect renumbering.]*
 - (c) Equipment used exclusively for softening or annealing plastics, provided such equipment is exempt pursuant to subsection (~~DE~~)(2)(b). *[Cross reference modified to reflect renumbering.]*
 - (d) Extrusion equipment used exclusively for extruding rubber products or plastics where no organic plasticizer is present, or for pelletizing polystyrene foam scrap, except equipment used to extrude or to pelletize acrylics, polyvinyl chloride, polystyrene, and their copolymers.

- (e) Injection or blow molding equipment for rubber or plastics where no blowing agent other than compressed air, water or carbon dioxide is used, and control equipment exclusively venting such equipment.
 - (f) Mixers, roll mills and calendars for rubber or plastics where no material in powder form is added and no organic solvents, diluents or thinners are used.
 - (g) Ovens used exclusively for the curing of vinyl plastisols by the closed-mold curing process, provided such ovens are exempt pursuant to subsection ~~(DE)~~(2)(b). *[Cross reference modified to reflect renumbering.]*
 - (h) Equipment used exclusively for conveying and storing plastic materials, provided they are not in powder form.
 - (i) Hot wire cutting of expanded polystyrene foam and woven polyester film.
 - (j) Photocurable stereolithography equipment.
- (11) Mixing and Blending Equipment
- (a) Batch mixers which have a brimful capacity of 208 liters or less (~~fifty-five~~ (55) gallons or 7.35 cubic feet).
 - (b) Equipment used exclusively for mixing and blending of materials where no organic solvents are used and no materials in powder form are added.
 - (c) Equipment used exclusively for mixing and blending of materials to make water emulsions of asphalt, grease, oils or waxes where no materials in powder or fiber form are added.
 - (d) Equipment used to blend, grind, mix, or thin liquids to which powders may be added, with a capacity of 950 liters (251 gallons) or less, where no supplemental heat is added and no ingredient charged (excluding water) exceeds ~~57°C~~ *(135°F 57 degrees Celsius (135 degrees Fahrenheit))*.
 - (e) Concrete mixers, with a rated working capacity of one ~~(1)~~ cubic yard or less.
- (12) Miscellaneous Process Equipment
- (a) Equipment, including dryers, used exclusively for dyeing, stripping, or bleaching of textiles where no organic solvents, diluents or thinners are used, provided such equipment is also exempt pursuant to subsection ~~(DE)~~(2)(b). *[Cross reference modified to reflect renumbering.]*
 - (b) Equipment used exclusively for bonding lining to brake shoes, where no organic solvents are used and control equipment exclusively venting such equipment.

- (c) Equipment used exclusively to liquefy or separate oxygen, nitrogen, or the rare gases from air, ~~except provided that~~ equipment ~~not~~ exempt pursuant to subsections (~~DE~~)(2)(a) or (~~DE~~)(2)(b). *[Cross reference modified to reflect renumbering.]*
- (d) Equipment used exclusively for surface preparation, cleaning, passivation, deoxidation, and/or stripping which uses water based cleaners containing two (2) percent or less of VOC by volume (~~twenty (20-g/L) grams per liter~~ or less), or containing formic acid, acetic acid, phosphoric acid, sulfuric acid, hydrochloric acid (twelve (12) percent or less by weight), alkaline oxidizing agents, hydrogen peroxide, salt solutions, sodium hydroxide and/or water. This exemption does not include anodizing, hard anodizing, chemical milling, circuit board etching using ammonia-based etchant, or the stripping of chromium, except sulfuric acid anodizing with a bath concentration of twenty (20) percent or less by weight of sulfuric acid and using 10,000 amp-hours per day or less of electricity.
- (e) Equipment used exclusively for electrolytic plating (excluding the use of chromic, hydrochloric or sulfuric acid) or electrolytic stripping (excluding the use of chromic, hydrochloric, nitric or sulfuric acid) of brass, bronze, copper, iron, tin, zinc, precious metals, and associated rinse tanks.
- (f) Equipment used exclusively for the packaging of lubricants or greases.
- (g) Equipment used exclusively for tableting vitamins or pharmaceuticals, packaging vitamins or pharmaceuticals and cosmetics, or coating vitamins or pharmaceutical tablets, provided no organic solvents are used, and control equipment used exclusively to vent such equipment.
- (h) Equipment used exclusively for coating objects with oils, melted waxes or greases which contain no organic solvents, diluents or thinners.
- (i) Equipment used exclusively for coating objects by dipping in waxes or natural and synthetic resins which contain no organic solvents, diluents or thinners.
- (j) Unheated, non-conveyorized, cleaning or coating equipment:
 - (i) With an open surface area of one (1.0) square meter (10.8 square feet) or less and an internal volume of 350 liters (92.5 gallons) or less, having an organic solvent loss of eleven (11) liters (three (3) gallons) per day or less, or
 - (ii) Using only organic solvents with an initial boiling point of 150°C (~~302°F~~ 150 degrees Celsius (302 degrees Fahrenheit)) or greater, or
 - (iii) Using materials with a VOC content of two (2) percent (~~twenty (20-g/L) grams per liter~~) or less by volume.

This exemption does not include equipment with a capacity of more than 7.6 liters (~~two~~ (2) gallons), which was designed as a solvent cleaning and drying machine, using solvents that are greater than ~~five~~ (5) percent by weight of perchloroethylene, methylene chloride, carbon tetrachloride, chloroform, 1,1,1-trichloroethane, trichloroethylene, or any combination thereof.

- (k) Batch ovens with 1.5 cubic meters (~~fifty-three~~ (53) cubic feet) or less internal volume where no melting occurs, provided such equipment is exempt pursuant to ~~(D)~~subsection (E)(2)(b). This exemption does not include ovens used to cure vinyl plastisols or debond brake shoes. [Cross reference modified to reflect renumbering.]
- (l) Batch ovens used exclusively to cure ~~14 kg~~fourteen (14) kilograms (~~thirty~~ (30) pounds) per day or less of powder coatings, provided that such equipment is exempt pursuant to subsection (~~DE~~)(2)(b). [Cross reference modified to reflect renumbering.]
- (m) Equipment used exclusively for the washing and subsequent drying of materials and air pollution control equipment exclusively venting such equipment, provided that no VOCs are emitted and the equipment is exempt pursuant to subsection (~~DE~~)(2)(b). [Cross reference modified to reflect renumbering.]
- (n) Equipment used exclusively for manufacturing soap or detergent bars, including mixing tanks, roll mills, plodders, cutters, wrappers, where no heating, drying or chemical reactions occur.
- (o) Spray coating equipment operated within control enclosures.
- (p) Coating or laminating equipment operated outside control enclosures such as air, airless, air-assisted airless, high volume low pressure (HVLP), and electrostatic spray equipment, and roller coaters, dip coaters, vacuum coaters and flow coaters and associated drying equipment which must be exempt pursuant to subsection (~~DE~~)(2)(b), provided that: [Cross reference modified to reflect renumbering.]
 - (i) The VOC emissions from such equipment are only 1.4 ~~kg~~kilograms (~~three~~ (3) pounds) per day or less; or
 - (ii) The total amount of coatings, adhesives and/or, organic solvent (including cleanup) used in such equipment are ~~twenty-three~~ (23) liters (~~six~~ (6) gallons) per day or less of ~~UV~~ultraviolet or electron beam type; or
 - (iii) The total amount of solvent type coating and/or adhesive used is ~~four~~ (4) liters (~~one~~ (1) gallon) per day or less, including cleanup solvent; or
 - (iv) The total amount of water reducible or water based type coating and/or adhesive used is ~~eleven~~ (11) liters (~~three~~ (3) gallons) per day or less,

- including cleanup solvent and excluding water used as a reducer or for cleanup; or
- (v) The total amount of polyester resin or gel coat type material used is four (4) liters (one (1) gallon) per day or less, including cleanup solvent.
 - (q) Spray coating and associated drying equipment and control enclosures used exclusively for educational purposes in educational institutions.
 - (r) Control enclosures with an internal volume of 0.2 cubic meter (eight (8) cubic feet) or less, provided that aerosol cans, air brushes, or hand work are used exclusively.
 - (s) Portable coating equipment and pavement stripers used exclusively for the application of architectural coatings according to District Rule 1113, and associated internal combustion engines provided such equipment is exempt pursuant to section (B) or subsection (~~DE~~)(2)(b). [Cross reference modified to reflect renumbering.]
 - (t) Inert gas generators, except equipment not exempt pursuant to subsection (~~DE~~)(2)(b). [Cross reference modified to reflect renumbering.]
 - (u) Hammermills used exclusively to process aluminum and/or tin cans, and control equipment exclusively venting such equipment.
 - (v) Heated degreasers with a liquid/vapor interface surface area of 0.09 square meter (one (1) square foot) or less, or using aqueous cleaning materials with a VOC content of two (2) percent (twenty (20-g/L) grams per liter) or less by volume provided such degreasers have an organic solvent loss of eleven (11) liters (three (3) gallons) per day or less. This exemption does not include heated degreasers with a capacity of more than 7.6 liters (two (2) gallons) using solvents that are greater than five (5) percent by weight of perchloroethylene, methylene chloride, carbon tetrachloride, chloroform, 1,1,1-trichloroethane, trichloroethylene, or any combination thereof.
 - (w) Paper shredding and associated conveying systems, baling equipment, and control equipment venting such equipment.
 - (x) Chemical vapor type sterilization equipment where no Ethylene Oxide is used, and with a chamber volume of 0.06 cubic meter (two (2) cubic feet) or less used by healthcare facilities.
 - (y) Hand lay, brush and roll up resins operation.
 - (z) Hot melt adhesive equipment.

- (aa) Pyrotechnical equipment, especial effects or fireworks paraphernalia equipment used for entertainment purposes, provided such equipment is exempt pursuant to subsection (~~DE~~)(2). [Cross reference modified to reflect renumbering.]
- (bb) Ammunition or explosive testing equipment.
- (cc) Fire extinguishing equipment using halons.
- (dd) Industrial wastewater treatment equipment which only does pH adjustment, precipitation, gravity separation and/or filtration of the wastewater, including equipment used for reducing hexavalent chromium and/or destroying cyanide compounds. This exemption does not include treatment processes where VOC and/or toxic materials are emitted, or where the inlet concentration of cyanide salts through the wastewater treatment process prior to pH adjustment exceeds 200 ~~mg/milligrams per~~ liter.
- (ee) Equipment used exclusively for the packaging of sodium hypochlorite-based household cleaning or pool products.
- (ff) Foam packaging equipment using seventy-six (76) liters (~~twenty (20)~~ gallons) per day or less of liquid foam material.
- (gg) Rental equipment operated by a lessee and which is not located more than twelve (12) consecutive months at any one (1) facility in the District provided that the owner of the equipment has a permit to operate issued by the District and that the lessee complies with the terms and conditions of the permit to operate.
- (hh) Industrial wastewater evaporators treating water generated from on-site processes only, where no VOC and/or toxic materials are emitted and provided that the equipment is exempt pursuant to subsection (~~DE~~)(2)(b). [Cross reference modified to reflect renumbering.]
- (ii) High efficiency particulate air (HEPA) filtration equipment and negative air machines used in asbestos demolition and/or renovation activities regulated pursuant to District Rule 1403 – *Asbestos Emissions From Demolition/Renovation Activities*.

(13) Storage and Transfer Equipment

- (a) Equipment used exclusively for the storage and transfer of fresh, commercial or purer grades of:
 - (i) Sulfuric acid or phosphoric acid with an acid strength of ninety-nine (99) percent or less (weight by weight).

- (ii) Nitric acid with an acid strength of ~~seventy (70)~~ percent or less (w/w).
 - (iii) Water based solutions of salts or sodium hydroxide.
- (b) Equipment used exclusively for the storage and/or transfer of liquefied gases, not including LPG storage greater than 75,000 liters (19,815 gallons) or hydrogen fluoride storage greater than 4,000 liters (1,057 gallons).
 - (c) Equipment used exclusively for the transfer of less than 75,700 liters (20,000 gallons) per day of unheated organic materials, with an initial boiling point of ~~150°C (302°F)~~ 150 degrees Celsius (302 degrees Fahrenheit) or greater, or with an organic vapor pressure of ~~five (5)~~ mm Hg (0.1 psi) absolute or less at ~~21.4°C (70°F)~~ 1 degrees Celsius (seventy (70) degrees Fahrenheit).
 - (d) Equipment used exclusively for the storage of unheated organic materials with an initial boiling point of 150°C (302°F) or greater, or with an organic vapor pressure of ~~five (5)~~ mm Hg (0.1 psi) absolute or less at ~~21.4°C (70°F)~~ 1 degrees Celsius (seventy (70) degrees Fahrenheit). This exemption does not include liquid fuel storage greater than 160,400 liters (40,000 gallons).
 - (e) Equipment used exclusively for transferring organic liquids, materials containing organic liquids, or compressed gases into containers of less than 225 liters (~~sixty (60)~~ gallons) capacity, except equipment used for transferring more than 4,000 liters (1,057 gallons) of materials per day with a vapor pressure greater than 25.8 mm Hg (0.5 psi) absolute at operating conditions.
 - (f) Equipment used exclusively for the storage and transfer of liquid soaps, liquid detergents, vegetable oils, fatty acids, fatty esters, fatty alcohols, waxes and wax emulsions.
 - (g) Equipment used exclusively for the storage and transfer of refined lubricating oils.
 - (h) Equipment used exclusively for the storage and transfer of crankcase drainage oil.
 - (i) Equipment used exclusively for organic liquid storage or transfer to and from such storage, of less than 950 liters (251 gallons) capacity. This exemption does not include asphalt.
 - (j) Equipment used exclusively for the storage and transfer of "top white" (i.e., Fancy) or cosmetic grade tallow or edible animal fats intended for human consumption and of sufficient quality to be certifiable for United States markets.
 - (k) Equipment used exclusively for the storage, holding, melting and transfer of asphalt or coal tar pitch with a capacity of less than 600 liters (159 gallons).

- (l) Pumps used exclusively for pipeline transport of liquids.
 - (m) Equipment used exclusively for the unheated underground storage of 23,000 liters (6,077 gallons) or less, and equipment used exclusively for the transfer to or from such storage of organic liquids with a vapor pressure of 77.5 mm Hg (1.5 psi) absolute or less at actual storage conditions.
 - (n) Equipment used exclusively for the storage and/or transfer of an asphalt-water emulsion heated to ~~66°C (150°F)~~ sixty-six (66) degrees Celsius (150 degrees Fahrenheit) or less.
 - (o) Liquid fuel storage tanks piped exclusively to emergency internal combustion engine-generators, turbines or pump drivers.
 - (p) Bins used for temporary storage and transport of material with a capacity of 2,080 liters (550 gallons) or less.
 - (q) Equipment used for material storage where no venting occurs during filling or normal use.
 - (r) Equipment used exclusively for storage, blending, and/or transfer of water emulsion intermediates and products, including latex, with a VOC content of five (5%) percent by volume or less or a VOC composite partial pressure of five (5) mm Hg (0.1 psi) absolute or less at 20°C (68°F) twenty (20) degrees Celsius (sixty-eight (68) degrees Fahrenheit).
 - (s) Equipment used exclusively for storage and/or transfer of sodium hypochlorite solution.
 - (t) Equipment used exclusively for the storage of organic materials which are stored at a temperature at least ~~130°C (234°F)~~ 130 degrees Celsius (234 degrees Fahrenheit) below its initial boiling point, or have an organic vapor pressure of five (5) mm Hg (0.1 psi) absolute or less at the actual storage temperature. To qualify for this exemption, the operator shall, if the stored material is heated, install and maintain a device to measure the temperature of the stored organic material. This exemption does not include liquid fuel storage greater than 160,400 liters (40,000 gallons), asphalt storage, or coal tar pitch storage.
- (14) Natural Gas and Crude Oil Production Equipment:
- (a) Well heads and well pumps.
 - (b) Crude oil and natural gas pipeline transfer pumps.
 - (c) Gas, hydraulic or pneumatic re-pressurizing equipment.

- (d) Equipment used exclusively as water boilers, water or hydrocarbon heaters, and closed heat transfer systems (does not include steam generators used for oilfield steam injection) that have:
 - (i) ~~a~~A maximum heat input rate of 2,000,000 Btu per hour or less; and
 - (ii) ~~been~~Been equipped to be fired exclusively with purchased quality natural gas, liquefied petroleum gas, produced gas which contains less than ten (10-ppm) part per million hydrogen sulfide, or any combination thereof.
- (e) The following equipment used exclusively for primary recovery, and not associated with community lease units:
 - (i) Gas separators and boots.
 - (ii) Initial receiving, dehydrating, storage, washing and shipping tanks with an individual capacity of 34,069 liters (9,000 gallons) or less.
 - (iii) Crude oil tank truck loading facilities (does not include a loading rack), and gas recovery systems exclusively serving tanks exempted under subsection ~~(D)~~E(15)(e)(ii) . [Cross reference modified to reflect renumbering.]
 - (iv) Produced gas de-hydrating equipment.
- (f) Gravity-type oil water separators with a total air/liquid interfacial area of less than 4.2 square meters (forty-five (45) square feet) and the oil specific gravity of 0.8251 or higher (forty (40.0) API or lower).
- (g) The following definitions will apply only to subsection ~~(D)~~E(15) above: [Cross reference modified to reflect renumbering.]
 - (i) ~~PRIMARY RECOVERY~~Primary Recovery - Crude oil or natural gas production from "free-flow" wells or from well units where only water, produced gas or purchased quality gas is injected to repressurize the production zone.
 - (ii) ~~COMMUNITY LEASE UNITS~~Community Lease Units - Facilities used for multiple-well units (three or more wells), whether for a group of wells at one location or for separate wells on adjoining leases.
 - (iii) ~~SHIPPING TANKS~~Shipping Tanks - Fixed roof tanks which operate essentially as "run down" tanks for separated crude oil where the holding time is seventy-two (72) hours or less.
 - (iv) ~~WASH TANKS~~Wash Tanks - Fixed roof tanks which are used for gravity separation of produced crude oil/water, including single tank units which are used concurrently for receipt, separation, storage and shipment.

~~(E)~~F Recordkeeping

- (1) Any person claiming exemptions under the provisions of this ~~Rule~~rule shall provide adequate records pursuant to District Rule 109 and any applicable Material Safety Data Sheets (MSDS), to verify and maintain any exemption. Such records shall be retained on-site for at least five (5) years. Any test method used to verify the percentages, concentrations, vapor pressures, etc., shall be ~~the District~~the District approved ~~test method as contained in the District's Test Method Manual.~~

[SIP: Submitted as amended 11/15/05 on _____; Submitted as amended 1/16/01 on _____; Submitted as amended 7/21/98 on 2/16/99, Approved 7/6/82, 47 FR 29231, _____, Approved _____, _____, 40 CFR 52.220(c)(103)(xviii)(A); Approved 11/9/78, 43 FR 52237, 40 CFR 52.220(c)(39)(iv)(B) and 40 CFR 52.220(c)(31)(vi)(C)]

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APPENDIX "B"
PUBLIC NOTICE DOCUMENTS

(to be included when available)

1. Proof of Publication for Notice of Public Hearing – Antelope Valley Press

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NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Governing Board of the Antelope Valley Air Quality Management District (AVAQMD) will conduct a public hearing on October 19, 2010 at 10:00 A.M. to consider the proposed amendment of Rule 219 – *Equipment Not Requiring a Permit*.

SAID HEARING will be conducted in the Governing Board Chambers located at the AVAQMD offices 43301 Division Street, Suite 206, Lancaster, CA 92525-4649 where all interested persons may be present and be heard. Copies of the proposed amendment of Rule 219 – *Equipment Not Requiring a Permit* and the Staff Report are on file and may be obtained from the Clerk of the Governing Board at the AVAQMD Offices. Written comments may be submitted to Bret Banks, Operations Manager at the above office address. Written comments should be received no later than October 18, 2010 to be considered. If you have any questions you may contact Tracy Walters at (760) 245-1661 extension 6122 for further information.

The proposed amendment of Rule 219 – *Equipment Not Requiring a Permit* will implement the provisions of Senate Bill 700. Previously, all agricultural activities were exempted from air district permitting by State law (former Health & Safety (H&S) Code §42310). The federal government required the State of California to regulate, through permitting, many previously exempt agricultural activities. California responded by adopting SB 700 in 2003 (H&S Code §40724-40724.7) which contains provisions requiring air districts to adopt rules in part to regulate pollution from larger agricultural sources in the same manner as non-agricultural sources with similar equipment. The proposed amendments to Rule 219 – *Equipment Not Requiring a Permit* will implement portions of the provisions of SB 700 by requiring all agricultural sources that meet certain thresholds of animals or regulated pollutants to obtain permits in the same manner as other regulated sources.

Pursuant to the California Environmental Quality Act (CEQA) the AVAQMD has determined that a Categorical Exemption (Class 8 – 14 Cal. Code Reg §15308) applies and has prepared a *Notice of Exemption* for this action.

Crystal Bates
Deputy Clerk of the Board
Antelope Valley Air Quality Management District

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APPENDIX "C"
PUBLIC COMMENTS AND RESPONSES

1. EPA email from Laura Yannayon, Subject: RE: AVAQMD Rule 219 - Equipment Not Requiring a Permit (including rule comments from attachment LY AV219d1.docx)
09/08/2010

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Tracy Walters

From: Yannayon.Laura@epamail.epa.gov
Sent: Wednesday, September 08, 2010 4:27 PM
To: Tracy Walters
Subject: RE: AVAQMD Rule 219 - Equipment Not Requiring a Permit
Attachments: LY AV219 d1.docx

Hi Tracy,

1-1

Please find attached a copy of Rule 219 with EPA comments embedded using Words Track Changes feature. Please let me know if you would like to discuss any of these comments.

Laura Yannayon

US EPA, Region 9 / Air Division, Permits Office (Air-3) / 75 Hawthorne St. / San Francisco, CA 94105-3901
yannayon.laura@epa.gov / (415) 972-3534 / (415) 947-3579 (fax)

From: Tracy Walters <twalters@mdaqmd.ca.gov>
To: Laura Yannayon/R9/USEPA/US@EPA
Date: 09/01/2010 08:43 AM
Subject: RE: AVAQMD Rule 219 - Equipment Not Requiring a Permit

Here you are.

Tracy

From: Yannayon.Laura@epamail.epa.gov [<mailto:Yannayon.Laura@epamail.epa.gov>]
Sent: Wednesday, September 01, 2010 8:40 AM
To: Tracy Walters
Subject: Re: AVAQMD Rule 219 - Equipment Not Requiring a Permit

Hi Tracy,

Can you please send me a copy of the rule in Word to review?

Thanks!

Laura Yannayon

9/9/2010

US EPA, Region 9 / Air Division, Permits Office (Air-3) / 75 Hawthorne St. / San Francisco, CA 94105-3901
yannayon.laura@epa.gov / (415) 972-3534 / (415) 947-3579 (fax)

From: Tracy Walters <twalters@mdaqmd.ca.gov>
To: "Au, Patrick@ARB" <pau@arb.ca.gov>, Andrew Steckel/R9/USEPA/US@EPA, Laura Yannayon/R9/USEPA/US@EPA
Date: 08/31/2010 03:07 PM
Subject: AVAQMD Rule 219 - Equipment Not Requiring a Permit

Good afternoon,

Please find attached draft AVAQMD Rule 219 – *Equipment Not Requiring a Permit* for your review. The District has scheduled Rule 219 to be amended at the October 19, 2010 Governing Board meeting. The Staff Report will be sent shortly.

Thank you,

Tracy Walters
Mojave Desert AQMD
Lead Air Quality Planner
(760) 245-1661 extension 6122
[attachment "AV219 d1.pdf" deleted by Laura Yannayon/R9/USEPA/US] [attachment "AV219 d1.doc" deleted by Laura Yannayon/R9/USEPA/US]

9/9/2010

District response to EPA email 1

1-1 The embedded comments to Rule 219 are addressed in the subsequent response.

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LY AV219 d1 (2).docx

Main document changes and comments		
1-1	Page 1: Comment [LY1] Is this the correct word? Do you mean “in “ or “within” the FOP?	Laura 9/8/2010 3:55:00 PM
1-2	Page 2: Comment [LY2] These provisions are tied together with “ands” meaning all of them must be true for a permit to not be required. Isn’t (a) really the controlling factor under federal law? What if the facility had emissions less than the 50% threshold, but was not a CAFO, would a permit be required?	Laura 9/8/2010 4:25:00 PM
1-3	Page 2: Comment [LY3] Some environmental groups have argued that this includes minor source permit requirements, and thus such ag sources would need a District permit. In conjunction with (c), I’d say the source is not a “major” source and is not required to obtain a Title V permit.	Laura 9/8/2010 4:23:00 PM
1-4	Page 2: Comment [LY4] This is a problem. EPA’s newest NSPS for RICE apply to engines down to 25 bhp. With this exclusion, you would be requiring permits for engines down to this same threshold. I suggest adding another section that states not withstanding this requirement, engines below 50 bhp still do not require a District permit. Of course, (4) states that the APCO “may require” a permit, so that may be sufficient to cover this case. FYI.	Laura 9/8/2010 4:25:00 PM
1-5	Page 3: Comment [LY5] If your definition of Regulated Air Pollutant will be changing to include GHG, then this is a very low threshold. You may want to carve out a different threshold for GHG.	Laura 9/8/2010 4:07:00 PM
1-6	Page 4: Comment [LY6] Again, potential GHG issue.	Laura 9/8/2010 4:11:00 PM
Header and footer changes		
Text box changes		
Header and footer text box changes		
Footnote changes		
Endnote changes		

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District responses to EPA email 1 comments contained in attachment: LY AV219 d1.docx

- 1-1 *[Pertains to §(B)(2)]* “Upon” has been changed to “within” for clarity.
- 1-2 *[Pertains to §(B)(3)(b)]* Exemption has been clarified to properly reference (D)(2).
- 1-3 *[Pertains to §(B)(3)(d)]* The District agrees that in conjunction with (c), the source is not a major source and is not required to obtain a Title V permit.
- 1-4 *[Pertains to §(B)(4)(a)]* The District agrees that the statement “may require” allows local discretion in permitting certain smaller sized sources subject to various NSPS and NESHAPs.
- 1-5 *[Pertains to §(D)(1)(a)(i)]* The District does not intend to change the definition for “Regulated Air Pollutant” at this time. The District will take action at a later time through adoption of a rule to address greenhouse gas provisions of federal operating permits.
- 1-6 *[Pertains to §(B)(4)(a)]* The District does not intend to change the definition for “Regulated Air Pollutant” at this time. The District will take action at a later time through adoption of a rule to address greenhouse gas provisions of federal operating permits.

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APPENDIX "D"
CALIFORNIA ENVIRONMENTAL QUALITY ACT
DOCUMENTATION
(to be included as available)

1. Draft Notice of Exemption – Los Angeles County

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NOTICE OF EXEMPTION

TO: Los Angeles County Clerk
12400 E. Imperial Hwy, #1001
Norwalk, CA 90650

FROM: Antelope Valley
Air Quality Management District
43301 Division Street, Suite 206
Lancaster, CA 93535-4649

X AVAQMD Clerk of the Governing Board

PROJECT TITLE: Amendment of Rule 219 – *Equipment Not Requiring a Permit*

PROJECT LOCATION – SPECIFIC: Los Angeles County portion of the Mojave Desert Air Basin.

PROJECT LOCATION – COUNTY: Los Angeles County

DESCRIPTION OF PROJECT: The proposed amendments to Rule 219 are necessary to implement the provisions of Senate Bill 700 of 2003 (H&S Code §§40724-40724.7).

NAME OF PUBLIC AGENCY APPROVING PROJECT: Antelope Valley AQMD

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Antelope Valley AQMD

EXEMPT STATUS (CHECK ONE)

Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)

Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))

X Categorical Exemption – Class 8 (14 Cal Code Reg. §15308)

REASONS WHY PROJECT IS EXEMPT: The proposed amendments to Rule 219 are exempt from CEQA review because they will not create any adverse impacts on the environment. The proposed amendments to Rule 219 – *Equipment Not Requiring a Permit* will implement portions of the provisions of SB 700 by requiring all agricultural sources that meet certain thresholds of animals or regulated pollutants to obtain permits like other regulated sources. The entire implementation of SB 700 as made possible by the amendment of Rule 219 to require permits from larger agricultural sources will allow the reduction of air emissions from agricultural sources by providing an inspection and enforcement mechanism for the other proposed rules.

Former H&S Code §42310(e) exempted “any equipment used in agricultural operations in the growing of crops or the raising of fowl or animals” from the obligation to obtain a permit. After USEPA found that the agricultural exemption in §42310(e) conflicted with the FCAA permitting requirements, 67 FR 35990 (05/22/02); 68 FR 37746 (06/23/03), the California Legislature passed Senate Bill 700 (“SB 700”) which took effect 01/01/04, and removed the agricultural exemption from H&S Code §42310(e).

In the AVAQMD Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-Attainment Area) adopted 05/20/2008, the District accounted for 0.13 tons per ozone seasonal day from farming operations. Even with completely uncontrolled agricultural sources, the District was able to show attainment. Now, the District is proposing to actively regulate agricultural facilities that emit over 50 tons per year of any regulated air pollutant other than NO_x or VOC (over 12.5 tons per year), any single HAP (over 5 tons per year), any combined HAP (over 12.5 tons per year), or one-half the amount of any such lesser quantity of a single HAP that USEPA should establish by rule. The District should be able to quantify the actual reductions from this combined rule action. Any control of this source category is more than what was previously controlled. Because there is not potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

LEAD AGENCY CONTACT PERSON: Bret Banks **PHONE:** (661) 723-8070

SIGNATURE: _____ **TITLE:** Operations Manager **DATE:** October 19, 2010

DATE RECEIVED FOR FILING:

APPENDIX "E"

BIBLIOGRAPHY

The following documents were consulted in the preparation of this staff report and the proposed amendment of Rule 219:

1. SB 700
2. Title 17, Division 1, Chapter 1, Subchapter 2.7, §86500, definition of Large Confined Animal Facility

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